

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KENNETH McCULLOUGH,	)	
	)	
Plaintiff	)	
	)	
vs.	)	Civil Action No. 06-514
	)	Judge Gary L. Lancaster/
ERIC M. MILLER, Pa. Cor. Off.; T.	)	Magistrate Judge Amy Reynolds Hay
STANLEY, Pa. C.O.; LYNN	)	
DAVENPORT, Pa. C.O.; N. NEAL, Pa.	)	
Cor. Off.; F. DALEY, Pa. Cor. Off.	)	
Witness; R. CULP, Pa. Cor. Off. Capt.;	)	
SIMPSON, Pa. Cor. Off. Capt.; ELEANORE)		
WEAVER, Pa Misconduct Hearing	)	
Examiner/Judge; DAVID McCRAY, Pa.	)	
Cor. Off.; KATY WIMBUSH, Pa. Cor. Off.;	)	
CHARLES M. SHANE, Pa. Cor. Off.;	)	
MARLENE STEWARD, Pa. Cor. Off.;	)	
DAVID GOOD, Pa. Cor. Off.; PAUL	)	
STOWITZKY, Cor. Off.; CHRISTINA	)	
SORBIN, Cor. Off.; LEE JOHNSON,	)	
Cor. Off. (African American); HOLMES,	)	
Cor. Off. Lt.; JOHNSON, Cor. Off.	)	
(Caucasian); ROBERT S. BITNER, Pa.	)	
Cor. Off. (Harrisburg); McCONNELL,	)	
Pa. Cor. Off. Capt.; Any and all other	)	
Respondents later added.	)	
	)	
Defendants	)	Re Dkt. [65]

**ORDER**

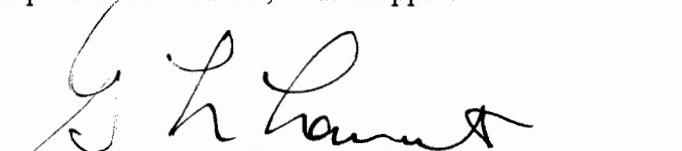
AND NOW, this 24 day of Sept, 2008, after the Plaintiff,

Kenneth McCullough, filed an action in the above-captioned case, and after Defendants filed a Motion for Summary Judgment, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the plaintiff until September 18, 2008 to file written objections

thereto, and plaintiff having filed objections to the report and recommendation which are without merit, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Defendants' motion for summary judgment, Dkt. [65], is granted.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



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GARY L. LANCASTER  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

Kenneth McCullough  
CJ-3651  
SCI Fayette  
50 Overlook Drive  
LaBelle, PA 15450

All Counsel of Record via CM-ECF